

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2006-005360

11/20/2007

HONORABLE PETER SWANN

CLERK OF THE COURT  
D. Monroe  
Deputy

LUKE AUBERT, et al.

JACK LEVINE

v.

VICTOR ZACHARY MARTIN

GARRICK MCFADDEN

R JOE BYER

MINUTE ENTRY

8:40 a.m. This is the time set for Pretrial Management Conference. Plaintiffs, Luke Aubert and Karen Aubert, are represented by counsel, Jack Levine. Defendant, Victor Zachary Martin, is represented by counsel, Garrick McFadden.

Court Reporter, Judie Bryant, is present.

The Court has received and considered Defendant's Motion in Limine to Exclude Plaintiff's Claim for Wage Loss and Plaintiffs' Response and Motion for Rule 11 Sanctions; Defendants' Motion in Limine to Preclude Mention of Defendants' Insurance and Settlement Negotiations at Trial and Plaintiffs' Response; Defendant's Motion in Limine to Preclude Introduction of Any and All Evidence Disclosed after Previously Set Disclosure Deadlines, Defendant's Motion in Limine to Preclude Mention of Arbitration Hearing or Arbitrator's Decision; and Defendant's Objection to Subpoena Duces Tecum, Plaintiffs' Response, and Defendant's Reply. A copy of Plaintiffs' response to Defendant's Motion in Limine to Preclude Introduction of Any and All Evidence Disclosed after Previously Set Disclosure Deadlines is provided to the Court for review, and is returned to counsel for Plaintiffs. The Court has also received and reviewed the parties' Joint Pre-Trial Statement.

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As reflected on the record,

IT IS ORDERED denying Defendant's Motion in Limine to Exclude Plaintiff's Claim for Wage Loss.

IT IS FURTHER ORDERED denying Plaintiffs' Motion for Rule 11 Sanctions.

IT IS FURTHER ORDERED granting Defendants' Motion in Limine to Preclude Mention of Defendants' Insurance and Settlement Negotiations at Trial.

IT IS FURTHER ORDERED sustaining Defendant's Objection to Subpoena Duces Tecum.

IT IS FURTHER ORDERED denying Defendant's Motion in Limine to Preclude Introduction of Any and All Evidence Disclosed after Previously Set Disclosure Deadlines.

IT IS FURTHER ORDERED granting Defendant's Motion in Limine to Preclude Mention of Arbitration Hearing or Arbitrator's Decision, as the Motion was unopposed.

Discussion is held regarding pretrial matters.

Counsel agree that the Court may read to the jury the Uncontested Facts Deemed Material set forth in the parties' Joint Pre-Trial Statement.

8:55 a.m. Let the record reflect that Lloyd Andrews is now present as co-counsel on behalf of Defendant.

Counsel having been advised of the Court's customary procedure regarding jury selection and challenges for cause and hardship, there are no objections by counsel, and the Court's proposed jury list of the first 18 jurors will be provided to counsel in chambers at the conclusion of voir dire, and an opportunity for counsel to briefly argue for the inclusion or exclusion of a juror will occur at that time.

The videotaped trial deposition to be played to the jury will be edited prior to trial.

Discussion is held regarding Defendant's objection to Plaintiffs' exhibits 19 and 18. The Court would be inclined to sustain an objection to exhibit 19 unless testimony by the witness makes such an exhibit relevant.

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Discussion is held regarding settlement. The Court will make every effort to conduct a Settlement Conference if the parties believe it would be helpful.

The Court suggests that counsel meet and discuss settlement of this case, and notify the Court by November 30, 2007 that such discussion was held and the results.

9:14 a.m. Matter concludes.